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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,924	01/16/2004	Jonathan W. Furlong	084554-9174-00	6538

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EXAMINER
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LUGO, CARLOS

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 08/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/758,924

Applicant(s)

FURLONG, JONATHAN W.

Examiner

Carlos Lugo

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9 is/are allowed.
- 6) ☒ Claim(s) 21-23 is/are rejected.
- 7) ☒ Claim(s) 24-26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This Office Action is in response to applicant's amendment filed on June 6, 2005.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 21-23 are rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 5,084,940 to Loffler et al (Loffler).

Regarding claim 21, Loffler discloses a door handle assembly (Figure 1) attachable to a door comprising a handle (24) having a first and a second end. The handle is coupled to the door.

An attachment member (48) is coupled to the second end of the handle and has an orientation that is substantially fixed with respect to the second end. The attachment member (48) is moveable within a plane that is substantially parallel to the attachment member (Figures 8-10).

As to claim 22, Loffler discloses that the attachment member is adapted to receive a fastener (50) along an axis that is substantially perpendicular to the attachment surface (so as to secure 48 against the door).

As to claim 23, Loffler discloses that the assembly further comprises a base (28) fixedly attached to the second end and defining a slot (46).

***Allowable Subject Matter***

4. **Claims 1-9 are allowed.**
5. **Claim 24 and 26 are objected** to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 25 would also be allowed because the claim depends from claim 24.

**Reasons For Allowance**

6. The following is an examiner's statement of reasons for allowance:

Claims 1 and 7 are allowable over the prior art of record and claims 24 and 26 presents allowable subject matter over the prior art of record because the teachings of the references taken as a whole do not teach or render obvious the combination set forth, including that the attachment member is moveable along an attachment axis that is parallel to the attachment surface (claim 1); that the attachment member includes a T-shaped slider slidably engageable with the slot of the base (claim 7); that the attachment member includes a slider engaged with the slot and movable within the slot between a first position and a second position (claim 24); and that the slot defines an adjustment axis that extends along a line between the first end and the second end (claim 26).

As to claim 1, Loffler fails to disclose that the attachment member is moveable along an attachment axis that is parallel to the attachment surface. Loffler discloses that the attachment member (48) is moveable along an attachment axis that is perpendicular to the attachment surface.

As to claims 7 and 24, Loffler fails to disclose that the attachment member includes a T-shaped slider slidably engageable with the slot of the base. Loffler discloses that the attachment member is a boss coupled to the end of the handle.

As to claim 26, Loffler fails to disclose that the slot of the base defines an adjustment axis that extends along a line between the first end and the second end, i.e., parallel to the attachment surface. Loffler discloses that the slot defines an adjustment axis perpendicular to the line between the first and second ends of the handle.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Response to Arguments***

7. Applicant's arguments filed June 6, 2005 have been fully considered but they are not persuasive.

With respect to the rejection to claims 1-6, the current amendment overcomes the previous rejection to the claims.

As to applicant's statement that new claims 21-26 are allowable over the cited prior art (Page 12 Line 20), a rejection was made to claims 21-23 in view of Loffler (see rejection above) and claims 24 and 26 presents allowable subject matter (see reasons for allowance above).

**Conclusion**

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number 571-272-7058. The examiner can normally be reached on 9-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

C.L.

Carlos Lugo

AU 3676

Aug. 9, 2005



**BRIAN E. GLESSNER**  
PRIMARY EXAMINER